



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 11, 1996

Mr. Claud H. Drinnen
Assistant City Attorney
City of Amarillo
Legal Department
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-0533

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39599.

The Amarillo Police Department received a request for a certain incident report. You assert that the requested report is excepted from required public disclosure based on section 552.108 of the Government Code.

Section 552.108(a) of the Government Code reads as follows:

A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

Section 552.108(a) excepts from required public disclosure all information related to cases under active investigation or prosecution except certain basic information ordinarily appearing on the first page of an offense report. *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).¹

¹Section 552.108(a) excepts from required public disclosure information related to inactive or closed cases only when its release would unduly interfere with law enforcement or prosecution. *See* Open Records Decision No. 616 (1993).

You inform us that the requested police report pertains to a case that is set for prosecution. Consequently, we conclude that with the exception of the first-page offense report information, the city may withhold the requested report from required public disclosure pursuant to section 552.108(a) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, with the first name "Kay" written in a larger, more prominent script than the last name "Guajardo".

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 39599

Enclosures: Submitted documents

cc: Mr. Jack Dempsey
Dempsey's Investigations
P.O. Box 8866
Amarillo, Texas 79114
(w/o enclosures)